G. R. S. 58

Previous references.

Pto-5829-30

9-30 6 08

1908.

(Telegrams)

File No. 99/08

Serial Nos. 1 to 6

Later references.

33—09

9-9-13 1

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 6

Part B. for June 09

SUBJECT.

Sri Sampushta Narasimhaswami avaru, of Subbaraya-nagar, South Canara -

---

From the Sirastadar No 1460 of 16-10-08.

Jr. No. 1. Prays for the reconsideration of the orders passed regarding the deficiency in the matter of the debt alleged to be due to Gundasetty of Kasaragod by the deceased.

Jr 2. From the Sirastadar No 162 of 16-1-09 States that the income of the village has since decreased and that the outstandings cannot be properly collected &c.

/

G.R.S.11] 190 8-9

GENERAL AND REVENUE SECRETARIAT

(Miscellaneous)

NOTES.

File No. 99-08

FILE HEADING.

Re the debt due to Gyndin Setty and Subba Setty of Hassan by the late Subrahmanya Mutt in the S. Canara District

From

The Swamiyaru

No.	Dated	Received
Diary No. 84	Enclos. –	Spare Copies – / Serial No. 1

BRIEF ABSTRACT OF LETTER.

Prays for a re-consideration of the Govt order proposing for the Swamy's consideration, the terms of the settlement in the matter of the debt alleged to be due to Gyndin Setty and Subba Setty by the Mutt.

NOTES AND ORDERS.

Govt Secs. no. 5829-30 dated 30-6-1908 on the subject gives a clear account of the facts of the case.

In his present memorial, the Swamy raises the following points for

NOTES—First sheet

GPB—30,000—3-4-07.

Serial No.

Consideration:—

1) was the amount mentioned in the original deed of 1892 if it really exists, actually paid to the late Swamy in a lump?

2) If it was so paid to the Swamy was it utilized for the bona-fide purposes of the mutt?

3) If the provisions had been borrowed from Lyndon Selby in the year 1895, why did not the matter come up for settlement till now? and

4) why the lease amount was fixed by Govt. at Rs 300/- while it is Rs 381 and odd according to the accounts of the year 1895 and other papers.

He complains that the late Mysore Secretary based his decision on the personal conversation he had with Lyndon Selby without giving an opportunity to the mutt to represent its case, that at the time of the alleged debt the mutt was in a sound financial condition and that it is doubtful whether the mutt contracted as alleged, heavy debts

He states that the late

NOTE—Contn. sheet.

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General and Revenue Secretariat.

File No. 99 of 1908

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Swamigalu has alienated the Jasoik paid to the matt by the British authorities, through a registered deed, that as the conditions of the deed were not being fulfilled, the matter was taken to courts in the Canara District where it was decided recently that the matt property was not liable for attachment in satisfaction of private decrees and argues that as there is nothing to show that the debt in question is contracted, was utilized for the matt, there is no reason why it should be paid out of the realizations of the matt lands which are as per conditions of the grant, intended for Deepaaradhane and other services.

He prays that the Inam lands may be restored to the matt, that the interests of the matt in these lands may be safe-guarded by ~~the~~ Govt. and that the amount fixed for Barahagara Sandarpane may be paid in full.

Submitted.
21/11/08

Attention is respectfully

NOTE—Contn. sheet

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invited to the typed remarks of the late Mysore Secretary on pages 51 to 64 and the orders of the Councillor and the Dewan thereon.

All the allegations contained in the present petn of the Mahs Agent were before Govt and orders were passed in Pro: No 5829-30 J 30th June 1908. Under those orders there is nothing for reconsideration. If the Mahs does not accept the settlement, the Mahs & the creditors have to settle their disputes as best they can, and the Govt cannot interfere with the Status Quo.

Subt to for orders
4/7/08

Dr. Ananthanarayana Rao's proposal is very fair. Even a Court is likely to uphold his setting off of the Kuvarpan against the principal and interest till the resumption of the villages. If he has already spent Rs 1 lakh on the tanks and the Mahs will have / more expenditure in repairing the tanks - In these circumstances it would be right to charge Adam as Survey Settlement is completed his further set off rights will be considered.

Draft Vignapana Patrika submitted
25/7/08

9.
21.11.cash

NOTE—Contn. sheet.

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[illegible] ad enquire if [illegible] completed list not, when it will be [illegible] Collr D, C, Bamanshire under date [illegible] of management with [illegible] steps taken for collection.

21.4.

Since expressing my opinion I have had to change my view as some of the decisions to which my attention was called in connection with the Uttaradi Matt case clearly show that a debt contracted by a Swamy would not be binding on his successor until it was proved to have been for the benefit of the Matt (I. L. R. 27 Madras Page 486). I have therefore unfortunately to express, with great diffidence, a view opposed to that one expressed by Mr. Arantasami Rao and concurred in by the Councillor and the Dewan.

2. Before considering the particular facts of this case I may be permitted to refer to a question of Revenue Law. It has been the habit of the Muzrai Department to assume for several reasons the management of Inam villages and lands. How the kanda am of these villages and the rent of these lands are to be recovered does not appear to have been closely considered, as it has been found that Amildars collect these like the Vandayam of Govt. villages and the ryots also generally pay without demur. Without entering into further details here

NOTE—Contn. sheet.

GPB—50,000—15-5 08

Serial No.

I would refer to Govt. Order No. R. 3453-61 / L.R. 217-06-2 dated 3rd December 1907 (printed copy put up) from which it will be seen that after assuming the management of an Inam village Govt. cannot by summary process recover the arrears of the previous years. That must apply to villages the management of which is assumed by the Muzrai Department also; and so in this case we cannot recover any arrears from Gundasetty. Without however mentioning this ground we might say as already stated in the orders now sought to be reviewed that as the settlement is not accepted by the Patti we leave the Patti and the creditors to seek their remedy in a Civil Court. I have referred to the Government order noted above just to meet the argument of the Patti that it is unfair to drive it to a Civil Court when the Govt. has the management of the village. So far no modification of the first Order is necessary.

3. We have next to see what the responsibility of the Government is, as regards the Inámdárs of the years subsequent to the assumption of the management. It is here that I have to differ from Mr. Anantasami Rao. This is not a case in which a compromise is necessary. If the property were in British India and had been mortgaged to the creditor the question of compromise would come in as we could not get possession without resorting to a Civil Court. In Mysore where alienations of Devadaya Inams are invalid there is no such necessity. In the present case there was admittedly no mortgage and no charge on the property; and the Government have obtained possession. It is for the creditor to sue in Court and establish that the debt was for the

NOTE—Contn. sheet.

GPS—50,000—13.5.08

Serial No.

benefit of the Matt; and I believe in this case he will find it tough work to do so. In these circumstances it does not appear justifiable that Govt. should recognise the debt and entertain also after the lapse of 14 years a claim for the supply of provisions in 1895. The villages have been attached as the previous Swamy was not properly managing them and using the profits for the purposes of the Matt. After assuming the management we are to look to the proper conduct of services in the Matt and not the liquidation of the Old Swamy's debt. It seems to me that we would be failing in our duty if we do not collect the kanadayam of the years subsequent to the resumption of management by Government.

4. I can also show that the collection of this kanadayam will not prejudice the creditors while the non-collection will seriously affect the Matt. If the kanadayam is collected, the creditor will sue for his money with interest up to date of suit and recover the same if he succeeds. If he fails, the recovery of the kandayam would be just. On the other hand if we do not recover the kanadayam, that would be right only if the creditor succeeded in his suit. If he failed, the claim of the Matt for the kandayam of some years would be time-barred and the Matt would lose much and would also be driven to a Court for the recovery of the remainder. It is thus clear that while the recovery of the kandayam will not at all prejudice the creditors in any way, the non-recovery will seriously affect the Matt.

5. If this view is accepted the next point

NOTE—Contn. sheet.

GPB—50,000—13.5.08

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Serial No.

for consideration is the amount of Kandayam. Here again I must refer to the Revenue Law. It is my humble opinion that the collection of Kandayam by a Revenue Officer in such cases can only be justified under Sections 67 & 68 of the Land Revenue Code. As in the present case there is not the prescribed evidence about the amount of Kandayam (vide Section 67) we can only collect at the tenants additional viz, Rs. 300/-

6. I would also request early registration of the village boundaries. The Collector's and the previous correspondence will disclose that there has been negligence on the part of the Taluk Officials in collecting the Kandayam. In these circumstances it is not for the Govt. can manage the villages under the Act. It is no doubt necessary that Survey Settlement should be introduced. This will be effective if the Swamy executes a Muchalika to abide by the Settlement rates as if we retained the land till the introduction of the Settlement.

7. As admittedly the Swamy was not consulted before the first Order was issued it is nothing but fair that the arguments urged by him should be considered and the original order modified if necessary. If it should be thought desirable to hear the other party also before modifying the order which is now favourable to him that may also be done.

Submitted to the ~~Dewan~~ Dewan
thro' the second Councillor

Ramachandra Iyer
30.1.1909

R. 1/2/09 - No. 386.

Note—Contn. sheet.

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G. R. S. 12]
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File No. 79 of 1908

Serial No.

The opinion of the Government Advocate may be obtained.

KRK
3/7/09

Muz U/O No 8
6.2.09

Forwarded to the Government Advocate, for opinion.

By order
Assistant
Secretary

U. O. 31.

Right so
13/7/09

It may be taken as well established law that a Mathadhipathi is entitled to use the income of an endowed property for the maintenance of the institution and for carrying out its objects generally. The excess income is at his disposal and he is not bound to accumulate the same. But at the same time he cannot spend it for any unlawful or illegal purposes.- No debt contracted by a Mathadipathi will be binding on the institution or his successor, unless the incurring of the same be absolutely necessary for the maintenance of the institution or for carrying out the object of the endowment. (Some time ago I expressed these views quoting authorities in support of the same, on a reference from the late Muzrai Secretary. This may be kindly referred to.)

2. The documents said to have been executed on --- behalf

Note—Contn. sheet.

GPB—50,000—13.5.08

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behalf of the late Swamy recites that the debt of Rs.3000/- consists of Rs.1000/- borrowed on the date of the bond for the purchase of rice etc, and another sum of Rs.2000/- due on a previous document which is silent as to the purpose of the loan. Evidently it is intended to imply that both debts were contracted for the annual santharpanay, one of the objects of the endowment. It can be fairly inferred that the santharpanay should not be held on a larger scale than the annual income of the endowed property allowed; else the endowed property itself may be sold for one year's santharpanay. I, therefore, think that the debt in question is not binding on the present Swamy.

3. The said document is not a mortgage deed. Nor was Gundu Setty or his brother authorised to take possession of the village under the bond, which simply declares that the Swamy is personally liable for the debt at a higher rate of interest, if the income of the village was not delivered to the creditor annually. In these circumstances, the creditor may will be told to seek his own remedy in Civil Courts. The candaya payable by him for the lands in his holding, cannot be witheld by him.

S. Narayana Rao.
Govt Advocate

13. 2. 09

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General and Revenue Secretariat.

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Serial No.

Submitted to the Second Commissioner with the Government Advocate's opinion.

The file referred to by the Officer in charge of the Matter cannot be found; and he asked to be excused from attending Court in connection with it.

Chinnathambiah
13/2/09

I agree with the Manager Supdt & under Secretary The Matt & the Smecar may be left to settle the matter as best they can The villagers may be restored to the Matt.

The Government Advocate supports the view taken by the Manager Supdt

[illegible]
13/2/09

16

Submitted to Commissioner

Chinnathambiah

11961/15/2/09 15.2.1909

NOTE—Contn. sheet.

GPB—50,000—15-5-08

G. R. S. 12]
General and Revenue Secretariat.

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I am afraid we are taking upon ourselves all sorts of responsibilities which we are not competent to discharge properly - I regret that I did not defer the cession of the villages to the young Swami when for reasons held in Board Secretariat which were also under Govt management of the Board Govt were restored to the Swami. I think we were not well advised to in getting mixed up in disputes between the Matt & the Swami as regards the transaction they had entered into & attempting to enter into what is said to have been a Compromise favourable to the Matt without Consulting the Matt authorities - I hope this will be the last case in which Govt animated no

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G-R.S. 12]
General and Revenue Secretariat.

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Serial No.

doubt by the best possible motives finds itself entangled in difficulties of a civil nature for deciding which it has no power. The matter has been complicated by Ishwar Singh's setting the Kanungo whom he had deposited with Govt. I would order the immediate return of the village. The matter with apologies for having detained him ~~but~~ if there was guarantee for our not being held for the Kanungo one on the village. Under has been returned to Jundasath

Call the 2nd Councillor kindly speak to me on the subject

22/2/09.

Submitted to 2nd C.

Le Dewan has spoken to me about this case -

26/2/09

To The Murpuri Under Secretary

KWR 26/2/09

NOTE—Cotton sheet

GPB—50.000—13-5-08

Serial No.

3 From the Swamigalu of the Sri Subrahmanya Matt No D 1278 dy 10. 4. 1908. Says that he has sent one Sabhanarayanachar and requests early orders relating to the case re Gundasetty & the Matt and on two other matters - not relating to this.

A draft vijnapana basik as per orders is submd.

Dy 10/4/08

4 No 1572 / Mun 7 99-08-4 dy 10 4-09
To the Swami of the Sri Subrahmanya Matt
Informing the Swamigalu that if he and Gundasetti will settle their dispute in the Courts without troubling Govt in the matter, the Matt's villages will be made over to the Swami for management.

5 From the Swami. No. D 1617 —
States that it will be difficult for the matt to collect the revenues of the villages & outstandings for the past nearly 3 years and requests that the Govt may collect such

NOTE—Contn. sheet.

GPB—50,000—13-5 08

G. R. S. 12]
General and Revenue Secretariat.

MR File No. 99 of 1908.

Serial No.

and then restore the villages to the Mutt after introducing Survey and Settlement into them.

The Agent of the Mutt has also appeared in person and given a Muchalika to the above effect.

Minute under Sec's remarks:—

In these circumstances it seems done that we cannot but modify the original order and ask the D. Commr. to recover all arrears due subsequent to the assumption of the management of the villages by Govt. Draft submitted to

Dewan through Second Councillor

Ambalavana
27. 5. 09

590

I have amended the draft a little.

5769
1070
8/6/09

(Issue as then submitted to Second Councillor for information)

12/6/1909

Submitted to Second Councillor for information.

Ambalavana

12/6/09

Note—Contn. sheet.

GPD—50,000—18-5-08

Rec B

G. R. S. 12]
General and Revenue Secretariat.

File No. 99 of 1908

Serial No.	
6	To the Dy Collr, Hassan Distt " Supdt Revenue Survey Bro no 2271-2 of 16. 6. 09. Directs the recovery in full the arrears of kandayam of the years subseq. and to the assumption of the villages by Govt, both from the Gundu Setty & from the other defaulting occupants of the villages, also for the introduction of Survey Settlement into the villages of Halsur and Heggavi belonging to the estate. To the Swamigalu of the estate No 2273 of 16 6 09. Forwards copy of the above To Gundasetty No 2274 of 16. 6. 09 Forwards copy of the above.

NOTE—Contn sheet.

GPB—55,000—27-4-09

ಸಾಮಾನ್ಯವಾಗಿ ಲೂಸನೆಲಿಲ ಪುಸ್ತಕಗಳಿಂದ ತೆಗೆದುಕೊಂಡಿರುವ ವಿಷಯಗಳನ್ನು ಲೂಸನೆಲಿಲ ಪುಸ್ತಕಗಳಲ್ಲ

శ్రీమద్రాజాధిరాజగంభీరవిద్వత్సభాభారాజులు సేనాం
ధిపతులు శ్రీరంగవరదరాయలవారు.

తేది 23. 5. 1909 వ్యా.

చదలేటి దాకా కంబళ్ళ చిల్లాలోని పోస్టాఫీసులో స్థాపి
తమైన వరకవరదరాయపట్టణంలో లక్ష్మీ బాంకులు
ప్రారంభించబడ్డవని తెలియజేస్తూ -

కంచరకోట్ల వేంకటాచలదాసప్పయ్యల్లకు
వ్రాసిన 10-4-1909వ సాంవత్సరం 1572వ సంవత్సరపు
శ్రీముఖ నామసంవత్సర చైత్రమాసంలో ముంచిన 170వ
సంవత్సరపు వైశాఖ మొదలు కొండలు కట్టుకొనుటకై.

కొరవ వ్రాంకులనుండి ధనాన్ని వెనుకకు రాబట్టడం
ఆలస్యమవుతుంది గనుక మనం కట్టవలసిన కొంతమొత్తం
వెంటనే చెల్లించడానికి ధనాలున్న వ్యక్తిగతమైన
కొంతమంది మిత్రులవద్ద అప్పులు తీసుకోవలసి
వచ్చింది. కొందరు 1906వ ఆర్థిక సంవత్సరంలో
అనేకమంది సాధారణులు దాచుకొన్న
ధనాన్ని తిరిగి అవసరమైనప్పుడు ఇవ్వడానికి
చాలామంది. ముందుకొచ్చారు. ఇంకా ఎక్కువ మొత్తాన్ని
చెల్లించడానికి ఏర్పాటులు - అవి అయిన తరువాత
లక్ష్మీబాంకుకు ఆర్థిక వ్యవహారాలు - అప్పులు తీర్చడం
మొదలైనవి. ఇప్పటి ధనాన్ని వెనుకకు రాబట్టడానికి

ఆత్మీయ బంధువులకు, మిత్రులకు, శ్రేయోభిలాషులకు

మా తండ్రిగారు మాకు దూరమై ఈ రోజుకు ఒక సంవత్సరం అయింది. ఆయన లేని లోటు మాకు ఎప్పటికీ తీరనిది. ఆయన మా కోసం చేసిన త్యాగాలు, మాకు నేర్పిన విలువలు, చూపిన ప్రేమ మా జీవితాంతం మాతో ఉంటాయి.

ఆయన ఆత్మకు శాంతి చేకూరాలని కోరుతూ, ఆయన జ్ఞాపకార్థం ఒక చిన్న ప్రార్థనా సమావేశాన్ని ఏర్పాటు చేశాం. ఈ సమావేశానికి మీరు తప్పకుండా హాజరై, ఆయన ఆత్మకు శాంతి చేకూరాలని ప్రార్థించాలని కోరుతున్నాం.

ఈ సమావేశం తర్వాత మీ అందరికీ మధ్యాహ్న భోజన ఏర్పాట్లు చేశాం. మీరు తప్పకుండా భోజనం చేసి వెళ్లాలని మనవి.

ఇట్లు,
లక్ష్మీనారాయణ రెడ్డి మరియు కుటుంబ సభ్యులు

తేదీ: 23-5-09

Read :—

Govt.' Pro: No. 5829-30

of 30th June 1908 passing
in the matter of the
orders ~~on~~ the arrears of
Kemdayem on lands owned
by Sankar Gundasetty in the
Sarvamanya village of Halasur belonging
to the Sri Subrahmanya Matt
now under the temporary
management of Govt.

Correspondence ending
with Swamiji's No. D 1617 of
25th May 1909 from the Swamiji
of the Matt.

Order thereon :— 2271-2 of
From 20-12-6

In the order read above
Govt. proposed, subject to the
approval of the Swamiji of the Sri Subrahmanya Matha certain
terms for settling the claims of
the Matha for Kemdayem due
~~to~~ from Gundasetty
and of Gundasetty for money
of the latter

late
Ed- to the ~~last~~ Swami.
these terms have not been
accepted by the present
Swami who urges that he
is not bound to discharge
any debts contracted by the
late Swami & that the ~~question~~
arrears of Kandayam cannot
be set-off against any such
debts. This contention of
the Swami seems to be supported
by judicial decisions; and
the Govt Advocate who was
consulted supports it.
~~In these circumstances~~
~~proceedings~~. In these circumstances
Govt are pleased to direct-
that the claims of the Swami
for arrears of revenue

On a Consideration of
the legal aspects of the
question in Consultation
with the Government Ad-
vocate, Govt are of
opinion that the dispute
is one, which the
parties should be left to
settle for themselves, if
necessary through the Civil
Courts.

The Swami of the
Matha has himself
requested that the vil-
lages should be retained
under Govt management for some time
longer till the Swa

for the years prior to the assumption of the management of the villages by Govt. and of Gundasetty for money lent to the late Swami be settled by the parties ~~themselves~~

settlement of the village is completed. The request is reasonable, and Govt are willing to comply with it.

The Govt Agent Kassan Dt will recover in full the arrears of Kandaya of the years subsequent to the assumption of the villages by Govt both from Gundasetty & the other defaulting occupants in these villages.

2 - The Superintt of Rev: Survey is requested to ~~introduce~~ arrange for the introduction of Survey Settlement into the villages of Kezgavi belonging to the Mathas.

Sd/ W. T. Lang for Secy.

To
The Govt Agent Kassan Dt
22 3/4 Superintt Rev: Survey
& the Swami & Gundasetty

No 2274

శ్రీ మచ్ఛరమహంసపరివ్రాజకా
చార్య శ్రీవిధి ఆనేక చిరకాలం నుండి శరా
దనాయుర్బుద్ధిబలవిద్యాలయ శ్రీవేదవిహిత
ధనంబున్న నగరంబుల్లో మమ శరదశ్రమ
ములలో స్థిరబుద్ధి శ్రీకాందంగల్ల వరకూ శ్రీ

మల్లికుంటు శ్రీవిద్యమహంబంచరవ
రక్షారక్షితం బయిన నగరంలో మనకొరకునవు
లులంబంచే శ్రీ ఆచారగల్లకొంగి . ఎ. కు
బుద్ధిబలాలయవిద్యాలయాన్ని

శరన్మహర్షి శ్రీదనవర్షమంబ్రహ్మల
కుంటు గ్రామదల్లు సుందరశ్రీల్లు యుంద
వరబోధకుందశం బాలుదమిశ్రలుదల్లు
లిఖితమవక్షరక్షితంలో ఆశీర్వదించియున్న
యుదరీంతో శరన్మల్లుగారి కళ్ళు పశ్చిమ
శ్రీనదివరవిచ్ఛాయ వికసిల్లు

Byrraju
Secretary
For Secretary

శ్రీ

of the chalk in 2 days for
the fine of early orders.

1816 In the Dyfour Map and
Survey Report.
Pro No 2271 2716.6 09
Decide the recovery in
full the arrears of land rent
of the years subsequent to the
assumption of the villages
by Govt both from Zemindars
& other defaulting occupants
of the villages, as also
for the early introduction
of Survey & Settlement
into the ceded ——